



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0073-03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Myriam MELLUL et al. ) Group Art Unit: 1615  
)  
Reissue Application No.: 09/987,885 ) Examiner: J. Venkat  
)  
Filed: November 16, 2001 ) Confirmation No.: 7554  
)  
For: ANHYDROUS AND WATER- )  
RESISTANT COSMETIC )  
COMPOSITIONS )  
)

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R.**  
**§ 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Office the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.  
Copies of the listed U.S. patents are not enclosed.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **CH 317302** - This document was previously cited on the Information Disclosure Statement filed August 26, 2003. An English translation of this document is submitted herewith.

2. **DE 1 012 730** - This document was previously cited on the Information Disclosure Statement filed August 26, 2003. An English translation of this document is submitted herewith.

3. **DE 967 031** - This document was previously cited on the Information Disclosure Statement filed August 26, 2003. An English translation of this document is submitted herewith.

4. **DE 1 018 194** - This document was previously cited on the Information Disclosure Statement filed August 26, 2003. An English translation of this document is submitted herewith.

5. **DE 968 535** - This document was previously cited on the Information Disclosure Statement filed August 26, 2003. An English translation of this document is submitted herewith.

6. **FR 1 301 966** - This document was previously cited on the Information Disclosure Statement filed August 26, 2003. An English translation of this document is submitted herewith.

7. **JP 59-172495 A** - An abstract of this document can be found in the English language abstract from Patent Abstracts of Japan.

8. **JP 61-65809 A** - An abstract of this document can be found in the English language abstract from Patent Abstracts of Japan.
9. **JP 07-267820 A** - An abstract of this document can be found in the English language abstract from Patent Abstracts of Japan.
10. **JP 08-26936 A** - An abstract of this document can be found in the English language abstract from Patent Abstracts of Japan.
11. **JP 08-81335 A** - An abstract of this document can be found in the English language abstract from Patent Abstracts of Japan.
12. **JANISTYN, Von Hugo Article** – An English translation of JANISTYN, Von Hugo (1966) "Taschenbuch Der Mermen Parfumerie Und Kosmetik." Wiseenschaftliche Verlagsgesellschaft M.B.H., Stuttgart, p. 608-620, is submitted herewith.

On August 26, 2003, Applicant submitted an Information Disclosure Statement and 13-page Form PTO 1449. Applicant notes that several of the documents listed on the Form PTO 1449 returned with the Office Action dated December 22, 2003, were crossed through, rather than initialed. Applicants believe that the references were properly listed documents and respectfully request that the Office consider the documents and indicate that the documents were considered. For the Office's convenience, Applicants submit this Information Disclosure Statement and Form PTO/SB/08, listing documents previously listed by Applicants but crossed through by the Office. If the Office disagrees, Applicants would greatly appreciate citation of a regulation or PTO rule establishing that Applicants' submission was improper. However, if the Office considers any listed document but crosses through the listing

rather than initialing it for any reason, Applicants respectfully request that the Office so state in the next paper, so that the record regarding this fact is clear.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

Michelle E. O'Brien  
Reg. No. 46,203

Dated: October 20, 2005

## Complete if Known

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

2

Application Number

09/987,885

Filing Date

November 16, 2001

First Named Inventor

Myriam MELLUL et al.

Art Unit

1615

Examiner Name

Jyothsna VENKAT

Attorney Docket Number

05725.0073-03

## U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

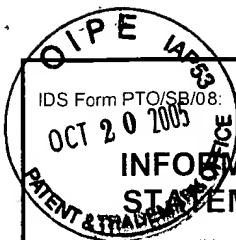
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		US-4,425,364	01-10-1984	Vanlerberghe et al.	
		US-4,515,784	05-07-1985	Bogardus et al.	
		US-4,673,570	06-16-1987	Soldati	
		US-4,950,468	08-21-1990	Nakamura et al.	
		US-4,996,239	02-26-1991	Matravers	
		US-5,002,762	03-26-1991	Bolich, Jr.	
		US-5,023,075	06-11-1991	Macchio et al.	
		US-5,063,057	11-05-1991	Spellman et al.	
		US-5,393,526	02-28-1995	Castro	
		US-5,738,841	04-14-1998	Mellul et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		CH 317302	12-29-1956	Grisel		Yes
		DE 1 012 730	07-25-1957	Wella AG		Yes
		DE 967 031	09-26-1957	Wella AG		Yes
		DE 1 018 194	10-24-1957	Wella AG		Yes
		DE 968 535	02-27-1958	Spindler		Yes
		FR 1 301 966	07-16-1962	Laboratoire Pharmacotechnique Dubois & Vincent		Yes
		JP 59-172495 A	09-29-1984	Shiseido Co.		Abstract
		JP 61-65809 A	04-04-1986	Shisedio Co.		Abstract
		JP 07-267820	10-17-1995	Shiseido Co.		Abstract
		JP 08-26936	01-30-1996	Kanebo Ltd.		Abstract
		JP 08-81335	03-26-1996	Kanebo Ltd.		Abstract

Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



IDS Form PTO/SB/08: Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/987,885
Filing Date	November 16, 2001
First Named Inventor	Myriam MELLUL et al.
Art Unit	1615
Examiner Name	Jyothsna VENKAT
Attorney Docket Number	05725.0073-03

Sheet 2 of 2

**ABSTRACTS AND PATENT TRANSLATIONS**

Examiner Initials	Cite No.	Abstracts, translations, and patent family listings of foreign patent documents identified above.	Translation
		English translation of CH 317302	
		English translation of DE 1 012 730	
		English translation of DE 967 031	
		English translation of DE 1 018 194	
		English translation of DE 968 535	
		English translation of FR 1 301 966	
		English language abstract of JP 59-172495 A from Patent Abstracts of Japan	
		English language abstract of JP 61-65809 A from Patent Abstracts of Japan	
		English language abstract of JP 07-267820 A from Patent Abstracts of Japan	
		English language abstract of JP 08-26936 A from Patent Abstracts of Japan	
		English language abstract of JP 08-81335 A from Patent Abstracts of Japan	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		JANISTYN, Von Hugo (1966) "Taschenbuch Der Mermen Parfumerie Und Kosmetik," Wiseenschaftliche Verlagsgesellschaft M.B.H., Stuttgart, p. 608-620	Yes
		Origins Sunny Disposition, product labeling, October 1993	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.